



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Oliver Lemmer et al.

Serial No.: 09/937,897

Filed: September 28, 2001

For: Diamond-Coated Tool and Process for Producing Thereof

Atty. Docket No.: 000475.00004

Group Art Unit: 1775

Examiner:

Archene A. Turner

PETITION TO WITHDRAW ERRONEOUS NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed on March 25, 2004 by the U.S. Patent & Trademark Office (USPTO), Applicants respectfully submit that the abandonment of the instant application is in error and request that such indication of abandonment be withdrawn. The Notice of Abandonment states that Applicants failed to timely file a response to the Office Action mailed July 14, 2003.

Applicants' attorney received an Office Action mailed July 14, 2003. In response, Applicants' attorney filed an Amendment on November 14, 2003. A copy of the Amendment and its corresponding postcard receipt showing the USPTO date stamp of November 14, 2003, is attached hereto. Therefore, it is believed that the Notice of Abandonment has been mailed in error by the USPTO.

In view of the above, it is believed that no fees are due for consideration of this Petition and withdrawal of the Notice of Abandonment. However, if necessary, the Commissioner is hereby authorized to charge the petition fee of \$130 to our Deposit Account No. 19-0733. Should any additional fees be required or an overpayment of fees made, please debit or credit our deposit account no. 19-0733, as necessary.

Respectfully submitted,

Date: 4/2/04

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<input checked="" type="checkbox"/> PATENT	<input type="checkbox"/> DESIGN	B&W Ref. <u>000475 00004</u>	Date <u>11-14-03</u>
<input type="checkbox"/> HAND CARRY Group/Section		Bldg.	Rm.
Serial/Patent No. <u>10/937,897</u>		Atty/Sec. <u>BEH/v/h</u>	
Inventor <u>Lemmerle, E.</u>		Client <u>Wenzel</u>	
Title			

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

Total no Spec/2 including 0 of Claims
 # of independent claims _____ Abstract

Drawings: Formal Informal
 # of distinct Sheets _____ Figs. _____

Declaration/Power of Attorney: Executed Unexecuted

Assignment w/PTO Cover Sheet

IDS w/PTO 1449 References w/Fee

Preliminary Amendment

Priority Claim (Foreign or U.S. Provisional) B&W # _____

Country _____ Appl. # _____ Date _____
 w/Foreign Priority Document(s)

Application: CIP Continuation Divisional
 Parent Ser. No. _____ B&W # _____

U.S. Provisional # _____ pp Spec/Claims, Cover Sheet

Response to Missing Parts Requirements dcl

Response to Notice to File Corrected Appl. Papers dcl

Request for Expedited Foreign Filing Licence

Request for Corrected: Filing Record Assignment

Response to Restriction/Election Requirement

Sequence Listing: Diskette Paper

Amendment Response: OA dcl 7-201 R/S

Petition for Extension of Time until 11-14-03

CPA RCE w/Ext of Time: OA dcl

Request for Approval of Drawing Changes

Notice of Appeal & Fee

Brief: Appeal & Fee Paper

Request for Oral Hearing

Issue Fee Advance Patent Copies (# ordered) 1

Notice of Allowance dcl

Amendment under 37 CFR 1.312

Request for Certificate of Correction

Transmittal Fee Transmittal w/Auth. to Charge Deposit Acct.

Certificate of Mailing 19-0733

Check # 855-Extn. fee for \$ 10.00

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BAW Rev 501